

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING

ARIZONA DEPARTMENT OF ADMINISTRATION MANAGEMENT SERVICES DIVISION

Editor's Note: The following Notice of Rulemaking Docket Opening was reviewed per Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 2358.) The Governor's Office authorized the notice to proceed through the rulemaking process on September 19, 2011.

[R11-169]

1. **Title and its heading:** 2, Administration
Chapter and its heading: 15, Department of Administration – Management Services Division
Article and its heading: 2, Fleet Management
Section numbers: R2-15-202 (Sections may be added, deleted or modified as necessary.)
2. **The subject matter of the proposed rule:**
The purpose of this rulemaking is to revise rules specifically relating to the use of domicile to duty vehicles. R2-15-202 provides specific guidance regarding domicile to duty vehicle usage. A review of the procedures and policies associated with this usage led the Department to conclude additional oversight and authorization would be prudent.
3. **A citation to all published notices relating to the proceeding:**
None
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Dave Fruehwirth, Fleet Administrator
Rob Smook, ADOA Rules Administrator

Address: Department of Administration – Fleet Management Office
1501 W. Madison St.
Phoenix, AZ 85007

Telephone: (602) 542-4375
Fax: (602) 542-3125
E-mail: David.Fruehwirth@azdoa.gov
Robert.smook@azdoa.gov
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Written comments will be accepted Monday through Friday from 8:00 a.m. and 5:00 p.m. at the location listed in item 4. The schedule for oral proceedings is to be determined and will be published in a future issue of the *Register*.
6. **A timetable for agency decisions or other action on the proceeding, if known:**
To be determined

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BOARD OF CHIROPRACTIC EXAMINERS

Editor's Note: The following Notice of Rulemaking Docket Opening was exempt from Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 2358.)

[R11-171]

1. **Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 7, Board of Chiropractic Examiners
Article and its heading: 4, Examinations; 5, Licenses; 6, Acupuncture Certification
Section numbers: R4-7-404, R4-7-504, R4-7-601
2. **The subject matter of the proposed rule:**
R4-7-404 shall be amended to conform to statute and rule by removing the reference to an affidavit and replacing it with a reference to an application and supporting documents. R4-7-504 shall be amended to be consistent with statute by including notification of the applicant's right to request an informal settlement conference if the Board denies a

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license application. R4-7-601 shall be amended to conform to statute by removing the requirement that acupuncture performed by a chiropractor be preparatory or complimentary to a chiropractic adjustment.

3. A citation to all published notices relating to the proceeding:

None

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Patrice A. Pritzl, Executive Director

Address: Board of Chiropractic Examiners
5060 N. 19th Ave., Suite 416
Phoenix, AZ 85015

Telephone: (602) 864-5088

Fax: (602) 864-5099

E-mail: patrice.pritzl@azchiroboard.us

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

The Board will accept written comments between 8:00 a.m. and 5:00 p.m. Monday through Friday. The Board will publish an opportunity to request and oral hearing with the Notice of Proposed Rulemaking.

6. A timetable for agency decisions or other action on the proceeding, if known:

None

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BOARD OF CHIROPRACTIC EXAMINERS

Editor's Note: The following Notice of Rulemaking Docket Opening was exempt from Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 2358.)

[R11-170]

1. Title and its heading:

4, Professions and Occupations

Chapter and its heading:

7, Board of Chiropractic Examiners

Article and its heading:

14, Business Entities

Section numbers:

Sections to be determined

2. The subject matter of the proposed rule:

Senate Bill 1120, passed during this past legislative session, established the authority of the Board of Chiropractic Examiners to regulate business entities that offer chiropractic services but that are not owned by a licensed health care professional. The proposed rules shall set forth the initial application requirements, renewal application requirements and the initial and renewal application fees for business entity registration.

3. A citation to all published notices relating to the proceeding:

None

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Patrice A. Pritzl, Executive Director

Address: Board of Chiropractic Examiners
5060 N. 19th Ave., Suite 416
Phoenix, AZ 85015

Telephone: (602) 864-5088

Fax: (602) 864-5099

E-mail: patrice.pritzl@azchiroboard.us

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

The Board will accept written comments between 8:00 a.m. and 5:00 p.m. Monday through Friday. The Board will publish an opportunity to request and oral hearing with the Notice of Proposed Rulemaking.

6. A timetable for agency decisions or other action on the proceeding, if known:

None

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RADIATION REGULATORY AGENCY

Editor's Note: The following Notice of Rulemaking Docket Opening was reviewed per Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 2358.) The Governor's Office authorized the notice to proceed through the rulemaking process on October 21, 2011.

[R11-168]

1. **Title and its heading:** 12, Natural Resources
Chapter and its heading: 1, Radiation Regulatory Agency
Article and its heading: 1, General Provisions; 3, Radioactive Material Licensing; 7, Medical Uses of Radioactive Material; 10, Notices, Instructions, and Reports to Ionizing Radiation Workers; Inspections; 15, Transportation
Section numbers: R12-1-102, R12-1-303, R12-1-305, R12-1-306, R12-1-310, R12-1-320, R12-1-710, Exhibit A, R12-1-1501, R12-1-1509, R12-1-1510, R12-1-1513 (Sections may be added, deleted, or modified as necessary.)
2. **Subject matter of the proposed rules:**
The area of change included in this rulemaking contains requirements and terminology used in the training, use of, and transportation of radioactive material. It also includes radiation posting requirement updates and clarification of existing rules governing the use of byproduct material.
Agency docket number:
#RMP0072
3. **A citation to all published notices relating to the proceedings:**
None
4. **Name and address of Agency personnel with whom persons may communicate regarding the rules:**
Name: Jerry W. Perkins
Address: Radiation Regulatory Agency
4814 S. 40th St.
Phoenix, AZ 85040
Telephone: (602) 255-4845
Fax: (602) 437-0705
E-mail: jperkins@azrra.gov
5. **The time during which the agency will accept written comments and the time and place where oral comment may be made:**
Written comment and oral comments will be accepted 8:00 a.m. to 5:00 p.m., Monday through Friday at the Arizona Radiation Regulatory Agency, 4814 S. 40th St., Phoenix, AZ 85040.
6. **A timetable for agency decision or other action in the proceeding:**
A timetable is not available at this time.

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GAME AND FISH COMMISSION

Editor's Note: The following Notice of Rulemaking Docket Opening was reviewed per Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 2358.) The Governor's Office authorized the notice to proceed through the rulemaking process on May 20, 2011.

[R11-172]

1. **Title and its heading:** 12, Natural Resources
Chapter and its heading: 4, Game and Fish Commission
Article and its heading: 1, Definitions and General Provisions
Section numbers: R12-4-121 (Sections may be added, deleted, or modified as necessary.)
2. **The subject matter of the proposed rule:**
Laws 2010, 2nd Regular Session, Ch. 287, § 28(B)(7), which allows an agency to eliminate or replace archaic or illegal rules.
On May 20, 2011, the Governor's office approved the Department's request to pursue rulemaking to amend R12-4-121 to establish the Department's requirements for transferring a big game tag to an eligible minor child or grandchild.

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3. A citation to all published notices relating to the proceeding:

Notice of Proposed Rulemaking: 17 A.A.R. 2336, November 18, 2011 (*in this issue*)

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Celeste Cook, Rules Analyst

Address: Game and Fish Department
5000 W. Carefree Highway
Phoenix, AZ 85086

Telephone: (623) 236-7390

Fax: (623) 236-7677

E-mail: ccook@azgfd.gov

Please visit the AZGFD web site to track progress of this rule and any other agency rulemaking matters at http://www.azgfd.gov/inside_azgfd/rules/rulemaking_updates.shtml.

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

The Commission will accept comments Monday through Friday from 8:00 a.m. until 5:00 p.m. at the address listed under item 4. Information regarding an oral proceeding is included in the Notice of Proposed Rulemaking in this issue.

6. A timetable for agency decisions or other action on the proceeding, if known:

Notice of Proposed Rulemaking: 17 A.A.R. 2336, November 18, 2011 (*in this issue*)

NOTICE OF RULEMAKING DOCKET OPENING

GAME AND FISH COMMISSION

Editor's Note: The following Notice of Rulemaking Docket Opening was reviewed per Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 2358.) The Governor's Office authorized the notice to proceed through the rulemaking process on May 20, 2011.

[R11-173]

1. Title and its heading:

12, Natural Resources

Chapter and its heading:

4, Game and Fish Commission

Article and its heading:

2, Miscellaneous Licenses and Permits

Section numbers:

R12-4-202 (Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rule:

Laws 2010, 2nd Regular Session, Ch. 287, § 28(B)(7), which allows an agency to eliminate or replace archaic or illegal rules. On May 20, 2011, the Governor's office approved the Department's request to pursue rulemaking to amend R12-4-202.

The Commission proposes to amend R12-4-202 to remove the requirement that the Department of Veterans' Services certification include the applicant's date of birth.

3. A citation to all published notices relating to the proceeding:

Notice of Proposed Rulemaking: 17 A.A.R. 2339, November 18, 2011 (*in this issue*)

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Celeste Cook, Rules Analyst

Address: Game and Fish Department
5000 W. Carefree Highway
Phoenix, AZ 85086

Telephone: (623) 236-7390

Fax: (623) 236-7677

E-mail: ccook@azgfd.gov

Please visit the AZGFD web site to track progress of this rule and any other agency rulemaking matters at http://www.azgfd.gov/inside_azgfd/rules/rulemaking_updates.shtml.

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

The Commission will accept comments Monday through Friday from 8:00 a.m. until 5:00 p.m. at the address listed under item 4. Information regarding an oral proceeding is included in the Notice of Proposed Rulemaking in this issue.

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6. A timetable for agency decisions or other action on the proceeding, if known:

Notice of Proposed Rulemaking: 17 A.A.R. 2339, November 18, 2011 (*in this issue*)

NOTICE OF RULEMAKING DOCKET OPENING

INDUSTRIAL COMMISSION OF ARIZONA

Editor's Note: The following Notice of Rulemaking Docket Opening was exempt from Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 2358.)

[R11-176]

1. Title and its heading:

20, Commerce, Financial Institutions, and Insurance

Chapter and its heading:

5, Industrial Commission of Arizona

Article and its heading:

6, Occupational Safety and Health

Section numbers:

R20-5-601, R20-5-602

2. The subject matter of the proposed rule:

In order to conform to the Federal Occupational Safety and Health Standards as required by Section 18(c) of the Federal Occupational Safety and Health Act of 1970 requiring state administered occupational safety and health programs to adopt standards that are at least as effective as those adopted by the U.S. Department of Labor, the Industrial Commission is amending R20-5-601 and R20-5-602, by incorporating by reference, amendments from 29 CFR 1926 and 29 CFR 1910, as published in *Federal Register* 76 FR 33590-33612, June 8, 2011 and became a final rule effective July 8, 2011.

This standards improvement project is the third in a series of rulemaking actions to improve and streamline OSHA standards. This rulemaking action removes and revises individual requirements within the rules that are confusing, outdated, and duplicative or inconsistent.

Copy of the incorporated by reference material is available for inspection or reproduction at the Arizona Division of Occupational Safety and Health, 800 W. Washington St., Room 203, Phoenix, AZ 85007, or can be downloaded from the Federal OSHA web site www.osha.gov.

3. A citation to all published notices relating to the proceeding:

Rule has not been published.

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: William Wright, Assistant Director

Address: Division of Occupational Safety and Health
Industrial Commission of Arizona
800 W. Washington St., Suite 203
Phoenix, AZ 85007

Phone: (602) 542-1695

Fax: (602) 542-1614

E-mail: wright.william.m@dol.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

To be published in Notice of Proposed Rulemaking

6. A timetable for agency decisions or other action on the proceeding, if known:

Not yet known